

1 A. No, they didn't.

2 Q. After going out to wherever the billfold was or
3 had been discarded, I'm talking with the detectives.

4 A. Yes.

5 Q. Did you go back to the police department?

6 A. Yes, we did.

7 Q. And at that time did you give another interview
8 that was videotaped?

9 A. Yes, I did.

10 Q. And did the police tell you -- did you agree to
11 that?

12 A. Yes, I did.

13 Q. And did the police inform you that you would be
14 on videotape?

15 A. Yes, they did.

16 Q. And how was the videotape machine camera, I
17 guess, set up?

18 A. Right in front of me.

19 Q. And did you tell the detectives at that time the
20 same thing you had told them before you went out looking
21 for the billfold?

22 A. Yes, I did.

23 Q. You indicated that the gun that you have, as you
24 were explaining to us, was a gun that you bought at a
25 pawn shop?

1 A. Yes.

2 Q. And you indicated the date that you bought it?

3 MR. ARNTZ: May we approach the bench?

4 THE COURT: You may.

5 (WHEREUPON, a side-bar conference was held
6 off the record.)

7 BY MR. SLAVENS:

8 Q. I think you indicated it was Anybody's Pawn Shop?

9 A. Yes, it was.

10 Q. Now, Walter Polson, I want to show you what's
11 been marked by this red tag, State's Exhibit 69. Do you
12 see this tag?

13 A. Yes, sir.

14 Q. I want you to take a look at this document and
15 see if you can recognize your signature on that
16 document?

17 A. Yes, I do.

18 Q. And just for the record so we know, if you, we,
19 we look at that again, where is your signature at on
20 that document?

21 A. At the top.

22 Q. Right where your thumb --

23 A. Yeah, to the right-hand side.

24 Q. Does that document itself concern the purchase of
25 the gun?

1 A. Yes, it does.

2 Q. And are you able to read whether or not this
3 document contains the serial number of the gun that you
4 bought?

5 A. I know it does.

6 Q. Can you tell us if it's on there and if so what
7 is the serial number, please?

8 A. Let me see. The serial number is 1559350.

9 Q. Now, I noticed that you hold that, those to your
10 eye, do you have difficulty reading?

11 A. Yes, I do. I can't read small print that well.

12 Q. Now, are you able to make, make out this term
13 here, this word under the word manufacturer?

14 A. Raven.

15 Q. And is this the document that you signed when you
16 bought the Raven?

17 A. Yes, I did.

18 Q. Now, you were indicted for the two killings of
19 Mr. Blazer's and Mr. McDonald's and some other charges,
20 isn't that correct?

21 A. Yes, I was.

22 Q. And as it relates to those charges, you pled
23 guilty?

24 A. Yes, I did.

25 Q. After you were charged or indicted, did you

1 receive lawyers?

2 A. Yes, I did.

3 Q. And how many lawyers did you receive?

4 A. At first, one.

5 Q. Do you know his name?

6 A. Dennis Lieberman.

7 Q. And did another lawyer come in to assist him
8 later on?

9 A. Yes, he did.

10 Q. Do you know his name?

11 A. Lou Hoffman.

12 Q. Mr. Polson, I want you to take a look at this
13 document, it's marked State's Exhibit 71 by the red tag,
14 and are you familiar with what that document is?

15 A. Yes, I am.

16 Q. And just what is that document? First of all,
17 does it contain your signature?

18 A. Yes, it does.

19 Q. And do you see your signature on there?

20 A. Down on the bottom right-hand corner.

21 Q. That's where you now have your thumb?

22 A. Yes.

23 Q. And when you pled guilty, this is your form that
24 the Judge and your attorneys went over with you?

25 A. Yes, they did.

1 Q. And it's a plea of guilty form to two counts of
2 aggravated murder?

3 A. Yes, it is.

4 Q. And it indicates the maximum term of
5 imprisonment, and what is that?

6 A. Life in prison.

7 Q. And when you pled guilty, the charges of
8 aggravated robbery and aggravated robbery and aggravated
9 burglary were dismissed, weren't they?

10 A. Yes, they were.

11 Q. From the time that you met with the detectives
12 after you were caught --

13 A. Yes.

14 Q. -- until today, as you sit here today, have you
15 changed your story in any fashion?

16 A. No, I haven't.

17 MR. SLAVENS: That's all I have, your
18 Honor.

19 THE COURT: Let's go ahead and take our
20 morning break.

21 Ladies and gentlemen of the
22 jury, remember the usual instructions from the Court
23 not to discuss the case amongst yourselves or with
24 anybody else, don't form any opinions. We'll try to
25 keep it to 10 to 12 minutes, somewhere in there,

1 because of the late start. You know how the track
2 records are on these breaks. Let's keep it to no more
3 than 15. We'll keep you advised.

4 (WHEREUPON, a recess was taken.)

5
6 IN OPEN COURT - BEFORE THE JURY

7
8 THE COURT: Cross-examination.

9 MR. ARNTZ: Thank you.

10 CROSS-EXAMINATION

11 BY MR. ARNTZ:

12 Q. Walter, my name is Matthew Arntz and I represent
13 your brother Lee Howe.

14 And have you and I ever met before?

15 A. I'm not sure.

16 Q. Well, do you remember ever having seen me before?

17 A. Yes, I do.

18 Q. And how many times have you seen me before?

19 A. Maybe once or twice.

20 Q. And did you know my name before this morning?

21 A. No, I didn't.

22 Q. And did you know that I represented your brother?

23 A. No, I didn't.

24 Q. And did you know that I would be cross-examining
25 you?

1 A. No, I didn't.

2 Q. Did you know that someone would be
3 cross-examining you this morning?

4 A. Yes, I did.

5 Q. How did you know that?

6 A. I just know.

7 Q. No. I asked you how did you know that someone
8 would be cross-examining you this morning?

9 A. 'Cause I was told by my lawyers that.

10 Q. You were told by your lawyer that that would
11 happen?

12 A. Yes.

13 Q. When did your lawyer tell you that would happen?

14 A. When I said I would testify.

15 Q. When you said you would testify?

16 A. Yes.

17 Q. When was it that you said you would testify?

18 A. I can't recall.

19 Q. Well, what month is this?

20 A. February.

21 Q. What month do you think you said you would
22 testify?

23 A. Maybe February.

24 Q. Maybe this same month right here?

25 A. Yes. Yes.

1 Q. You will have to speak up so everyone here can
2 hear you.

3 A. Yes.

4 Q. You can't remember when you first said you would
5 testify but you think it was this very month right here?

6 A. Yes.

7 Q. And today is February 26th and this is a third
8 week of February, isn't it?

9 A. Yes, it is.

10 Q. Well, can you not remember when you first said
11 you would testify just within the last three weeks?

12 A. Yes, I do.

13 Q. I'm sorry?

14 A. I said, yes, I do.

15 Q. You now remember when you first said you would
16 first testify?

17 A. Yes.

18 Q. When was that?

19 A. During February.

20 Q. During February just within the last three weeks?

21 A. Yes.

22 Q. Had you forgotten that before?

23 A. No, I haven't.

24 Q. Okay. Well, your attorney said that you were
25 going to be cross-examined. When did he say that to

1 you?

2 A. I don't know. During one of our conversations.

3 Q. When was the last time you talked with your
4 lawyer?

5 A. I don't know. Probably about the beginning of
6 this week, the end of last week.

7 Q. He came to see you Monday of this week, wasn't
8 it?

9 A. I think so.

10 Q. And hadn't been back to see you since?

11 A. No, he hadn't.

12 Q. Now before you came in here today and told this
13 story, had you talked ever to either of these men on the
14 ends of this table?

15 A. Yes, I have.

16 Q. Have you talked to both of these men or just one
17 of them?

18 A. Just one of them.

19 Q. Which one had you talked to?

20 A. Mr. John Slavens.

21 Q. You know his first name and his last name?

22 A. Yes, I do.

23 Q. This man here?

24 A. Yes.

25 Q. And you talked to him before you came and

1 testified here today?

2 MR. SLAVENS: Objection, your Honor.

3 THE COURT: Overruled. Go ahead. You
4 can answer.

5 A. Yes, I do.

6 BY MR. ARNTZ:

7 Q. Well, tell these people, if you will, when you
8 talked to Mr. John Slavens.

9 A. Maybe the end of last week, beginning of this
10 week.

11 Q. You don't remember whether that was last week or
12 this week?

13 A. One of those days.

14 Q. You don't remember whether it was last week or
15 this week?

16 A. It was one of those days.

17 Q. And was that the only time you talked to Mr. John
18 Slavens before you came in here today to testify?

19 A. Yes, it was.

20 Q. And have you talked to anyone else at this table
21 here before you came in here today to testify?

22 A. No, I haven't.

23 Q. Never have.

24 Had you never talked to this man here?

25 A. Yes, I did.

1 Q. Had you just forgotten you have talked to him
2 before?

3 A. I wasn't paying attention to the table. I was
4 paying attention to you.

5 Q. Okay. Well, pay attention to my questions if you
6 will.

7 You now remember that you had talked to the man
8 in the center that day?

9 A. Yes, I have.

10 Q. And who is that man?

11 A. Detective Lawson.

12 Q. You know his first name too?

13 A. No.

14 Q. No. Okay.

15 Tell the jury, if you will, when you last talked
16 to Detective Lawson.

17 A. When he brought me down to detective section so I
18 could talk to my lawyer.

19 Q. Okay. Now is this the only Detective Lawson you
20 know?

21 A. No, it is not.

22 Q. You know more than one Detective Lawson?

23 A. Yes, I do.

24 Q. Who is the other Detective Lawson?

25 A. His brother.

1 Q. Whose brother?

2 A. Detective Lawson.

3 MR. SLAVENS: Objection. I mean,
4 that's --

5 THE COURT: Well, I will sustain it,
6 but proceed, Mr. Arntz.

7 BY MR. ARNTZ:

8 Q. The second Detective Lawson you know, is this
9 Detective Lawson's brother?

10 A. Yes, it is.

11 Q. How do you know that?

12 A. How do I know that?

13 Q. Yes, sir.

14 A. Because they have the same last name.

15 Q. No one told you that?

16 A. No.

17 Q. Well, what is the other Detective Lawson's first
18 name?

19 A. I have no idea.

20 Q. The other Detective Lawson has whitish hair?

21 A. Silver hair.

22 Q. Silver hair.

23 And you've talked to the other Detective Lawson
24 before you came in here to testify today, is that true?

25 A. Yes, I have.

1 Q. When did you last talk to the other Detective
2 Lawson?

3 A. June 22d of 1992.

4 Q. Okay. You only talked to him once in your life?

5 A. Yes, I have.

6 Q. Now, before coming in here today to testify, did
7 you do anything to prepare your testimony?

8 A. Yes, I did.

9 Q. What did you do to prepare your testimony?

10 A. Pertaining to what?

11 Q. Well, pertaining to what you would tell the jury
12 when you got here today.

13 A. The truth.

14 Q. My question is, what did you do to prepare your
15 testimony?

16 A. Rephrased myself on what I said earlier to come
17 and tell the truth.

18 Q. You rephrased yourself?

19 A. Yes, I did.

20 Q. Can you explain what you mean when you say you
21 rephrased yourself to come in here and testify?

22 A. I thought back of what happened on the night of
23 June 21st, June 22d.

24 Q. Okay. So the only thing you have done to prepare
25 your testimony today is to think back about what

1 happened eight months ago?

2 A. Yes, and tell the truth.

3 Q. Okay. Now, has someone told you to say that?

4 A. No, they have not.

5 Q. To tell the truth?

6 A. No, they have not.

7 Q. They have not.

8 Has -- well, let me put it this way. You see all
9 these things on the table here in front of you?

10 A. Yes, I do.

11 Q. And you see photographs and cards and envelopes,
12 don't you?

13 A. Yes, I do.

14 Q. And paper?

15 A. Yes, I do.

16 Q. Okay. Now, are you telling us you have never
17 seen any of those things before today?

18 A. Except for those papers that I signed.

19 Q. Okay. Now, tell me if I'm correct. Your
20 testimony today is based only upon what you remember
21 from eight months ago?

22 A. Of what I know that happened eight months ago.

23 Q. Right. And you prepared for today only by
24 sitting and thinking about what you could remember from
25 eight months ago?

1 A. Me and my lawyer talked about it.

2 Q. Oh, your lawyer helped you prepare?

3 A. Well, he is supposed to, ain't he?

4 Q. My question is, did he help you prepare?

5 A. Yes, he did.

6 Q. Please tell these people, if you will, what did
7 your lawyer do to help you prepare.

8 A. I plead the Fifth Amendment.

9 MR. ARNTZ: May we have a side-bar?

10 THE COURT: You may.

11 AT SIDE BAR

12 THE COURT: Now, before we go on the
13 record, read back.

14 (WHEREUPON, the Court Reporter read back the
15 last question and the answer.)

16 THE COURT: Let's go on the record.

17 The Court's concerned about
18 the attorney/client privilege situation. And my
19 suggestion at this point is to proceed with another
20 question. If we hear this word or phrase, Fifth
21 Amendment again, then we'll deal with that
22 accordingly. We will have the jury taken out and we
23 will see where we are. But let's rephrase the
24 question and go on from there. Because the Court is
25 concerned about the attorney/client privilege as it

1 relates to this area of conversation, this area of
2 questioning. So let's see where we go.

3 MR. ARNTZ: And our position is the
4 Court should order this witness to answer the last
5 question.

6 THE COURT: The Court is at this point
7 not going to order the witness to answer the question.
8 I'm going to, on my own, find that the question, at
9 least in this witness' mind, could be a violation of
10 the attorney/client privilege based upon the way it's
11 worded. Let's rephrase the question. We will see
12 what happens from there.

13 MR. ARNTZ: Thank you.

14
15 BEFORE THE JURY

16 BY MR. ARNTZ:

17 Q. Mr. Polson, I think we were talking about the
18 meetings between yourself and your lawyer.

19 A. Yes, we were.

20 Q. And did you find those meetings to be helpful to
21 you?

22 A. Pertaining to?

23 Q. Whatever occurred at those meetings.

24 A. Yes.

25 MR. SLAVENS: Objection. Those meetings

1 could be from the date of point of representation
2 until --

3 THE COURT: I will sustain the
4 objection, assuming that is one.

5 Go ahead, Mr. Arntz. Let's
6 confine the question to give the witness some
7 indication of the time frame you're talking about.

8 BY MR. ARNTZ:

9 Q. All right. Why don't you tell us what time frame
10 are we talking about in which you met with your lawyer
11 prior to coming in here today.

12 MR. SLAVENS: Objection to that, your
13 Honor.

14 THE COURT: It's too broad, Mr. Arntz.
15 I will sustain the objection.

16 BY MR. ARNTZ:

17 Q. Do you recall what number of times you met with
18 your attorney before coming here today?

19 A. Quite a few times.

20 Q. Quite a few.

21 Can you give us some guess how many times it was?

22 A. About maybe five, ten times.

23 Q. Five or ten times.

24 And you told us that you think you saw him just
25 Monday of this week?

1 A. Yes.

2 Q. And have you seen him any other times this month?

3 A. I think the week before that.

4 Q. The week before this one?

5 A. Yes.

6 Q. So you've seen him at least two times this month?

7 A. Yes.

8 Q. Okay. Now, have you ever testified in a court of
9 law before today?

10 A. No, I have not.

11 Q. This is your first time as a witness in a court
12 of law?

13 A. Yes.

14 MR. SLAVENS: Objection. That answer has
15 been asked and answered. He's never testified before.

16 THE COURT: Now, an objection will
17 suffice, Mr. Slavens.

18 MR. SLAVENS: I object.

19 THE COURT: I'm not going to put up
20 with argument from counsel. Sustain the objection.

21 Proceed, Mr. Arntz.

22 BY MR. ARNTZ:

23 Q. Have you, other than trying to remember what
24 happened eight months ago, have you done anything else
25 to prepare for your testimony today?

1 A. I don't understand the question. Would you
2 repeat?

3 Q. What part of the question do you not understand?

4 A. The whole question.

5 Q. Have you done anything else to prepare for your
6 testimony today other than just thinking back and trying
7 to remember what happened eight months ago?

8 A. Yes, I did.

9 Q. What else did you do?

10 A. I talked to my lawyer.

11 Q. Other than talking to your lawyer, have you done
12 anything else?

13 A. Just, just told him what I knew.

14 Q. Have you taken any medication before coming here
15 today?

16 A. No, I have not.

17 Q. You have not been prescribed any medication?

18 A. I was on medication a few months back.

19 Q. And that was to calm you down?

20 A. Calm my nerves down.

21 Q. To sedate you?

22 A. No, just slow my nerves down.

23 Q. Are you a nervous type of person?

24 A. Yes, I am.

25 Q. Are you nervous right now?

1 A. Maybe a little bit.

2 Q. Well, you're not shivering or shaking, are you?

3 A. No, I'm not.

4 Q. You look pretty calm to me.

5 MR. SLAVENS: Objection how he looks,
6 your Honor. It's not --

7 THE COURT: Sustained.

8 BY MR. ARNTZ:

9 Q. Were you taking Thorazine recently?

10 A. No, I was not.

11 Q. Do you know what drug you were taking in the
12 county jail in order to calm yourself down?

13 MR. SLAVENS: Objection, your Honor.
14 It's irrelevant.

15 THE COURT: Sustain the objection.

16 BY MR. ARNTZ:

17 Q. Now you call yourself a nervous person. Were you
18 a nervous person back about June 22d of last year when
19 some of these things happened?

20 A. I think so.

21 Q. You think so?

22 A. Yes. I have bad nerves for all my life.

23 Q. What have those bad nerves caused you to do?

24 A. Such as what?

25 MR. SLAVENS: Objection, your Honor.

1 THE COURT: Well, it's -- I will permit
2 the question. I'm not sure the witness understands it
3 though.

4 Do you understand the
5 question?

6 THE WITNESS: No, I don't.

7 MR. ARNTZ: Okay.

8 THE COURT: Proceed, Mr. Arntz.

9 BY MR. ARNTZ:

10 Q. Can you describe a little bit more what you mean
11 when you say you had bad nerves back on June 22d of last
12 year?

13 A. Well, I inherited bad nerves from my mother's
14 side of the family.

15 Q. Well, do the bad nerves cause you to behave a
16 certain way?

17 A. No. I just get upset a lot easier.

18 Q. Now, if you will, please explain to these ladies
19 and gentlemen what you mean when you say the bad nerves
20 cause you to get upset a lot easier.

21 A. I worry. It makes me worry a lot. And I get
22 real nervous when I'm under hard pressure.

23 Q. What do you do when you get nervous under hard
24 pressure?

25 A. As -- I don't understand the question.

1 Q. Well, do your nerves, does the pressure cause you
2 to lose your temper?

3 A. No, they don't.

4 Q. You don't have a temper?

5 A. Everybody has a temper.

6 Q. What kind of temper do you have?

7 A. I don't know.

8 Q. When you say you were prescribed medication to
9 calm you down, was that to help you control your temper?

10 A. No, it wasn't.

11 Q. Do you have a hell of a temper?

12 A. No, I don't.

13 Q. Do you get upset easily?

14 A. Sometimes.

15 Q. Sometimes.

16 What sort of things make you get upset easily and
17 lose your temper?

18 MR. SLAVENS: Objection, your Honor.

19 MR. ARNTZ: Well, let me rephrase that.

20 BY MR. ARNTZ:

21 Q. Are there certain kinds of people who make you
22 get upset and lose your temper easily?

23 MR. SLAVENS: Objection. May we approach
24 the bench?

25 THE COURT: You may.

1 (WHEREUPON, a side-bar conference was held
2 off the record.)

3 THE COURT: You may proceed, Mr. Arntz.

4 MR. ARNTZ: Thank you.

5 BY MR. ARNTZ:

6 Q. Walter, how did you feel about homosexuals back
7 on June 22d of last year?

8 A. I feel they got a reason to live like everybody
9 else.

10 Q. Isn't it true that you used to hate homosexuals?

11 A. No, it is not.

12 Q. Have you ever told anyone that you hated
13 homosexuals?

14 A. No, I did not.

15 Q. You've never said that?

16 A. No, I didn't.

17 Q. Did you ever tell someone that you hated quote,
18 every fag, unquote?

19 A. I can't recall.

20 Q. Well, just a minute ago you told me you never
21 have told someone you hate homosexuals. You can't
22 recall that you hate every fag?

23 A. I can't recall.

24 Q. Do you remember telling a woman named Kuehn1 that
25 you hated every fag?

1 A. No, I don't.

2 Q. Do you deny that you told her that you hated
3 every fag?

4 A. I don't deny. I just don't remember.

5 MR. SLAVENS: Objection.

6 THE COURT: Overrule the objection.

7 BY MR. ARNTZ:

8 Q. Is it possible that you told her that you hated
9 every fag?

10 MR. SLAVENS: Objection to that, your
11 Honor.

12 THE COURT: Now that I will sustain.

13 BY MR. ARNTZ:

14 Q. But back in June of last year you thought that
15 homosexuals were okay just like everybody else, is that
16 it?

17 A. They -- they're alive and they do what we do too.

18 Q. Well, I'm asking about how you felt back on June
19 22d of last year.

20 A. Felt the same way I feel now.

21 Q. Never had any dislike of those kind of people at
22 all?

23 A. No, I did not.

24 Q. Now, when you say you're a nervous person, let me
25 ask you again, back on June 22d of last year, were you

1 an impulsive kind of person?

2 A. What do you mean by impulsive?

3 Q. You do not know what that word means?

4 A. No, I do not.

5 Q. Were you on that date the kind of person who
6 makes quick decisions?

7 MR. SLAVENS: Objection, your Honor.

8 THE COURT: If you know, go ahead and
9 answer. Overruled.

10 A. Repeat the question.

11 BY MR. ARNTZ:

12 Q. Back on June 22d of last year, were you the kind
13 of person who made quick decisions without thinking
14 about them?

15 A. I can't say.

16 Q. Don't know one way or the other?

17 A. No.

18 Q. Well, you have in your lifetime moved from job to
19 job and from state to state, haven't you?

20 A. Yes, I have.

21 Q. And from one house to another, haven't you?

22 A. Yes, I have.

23 Q. And I think you told us that you have kind of a
24 complicated family situation, don't you?

25 A. Pertaining to what?

1 Q. Well, in other words, you have a number of
2 brothers and sisters, correct?

3 A. Yes, I do.

4 Q. How many do you have?

5 A. Including me, five.

6 Q. Five.

7 And do they all have the same mothers and
8 fathers?

9 A. No, they don't.

10 Q. They don't.

11 And that is in fact why Lee Howe is your
12 stepbrother and not your brother, isn't that true?

13 A. Yes, it is.

14 Q. And the prosecutor said, if I understand it, you
15 have lived places other than Lee has lived, haven't you?

16 A. Yes, I have.

17 Q. Think you lived in a trailer court early in 1992?

18 A. Yes, I have.

19 Q. And then you and Lee began to live together in
20 the late spring of 1992?

21 A. June of '92.

22 Q. June. And that would be just two or three weeks
23 before June 22d, wouldn't it?

24 A. Yeah, I guess it would be.

25 Q. Now, Tony Elofskey is a friend of yours, isn't

1 he?

2 A. Yes, he is.

3 Q. How close a friend?

4 A. Not too close, just a friend.

5 Q. Not too close a friend.

6 Well, who took you to the hospital when you shot
7 yourself in the foot?

8 A. He did 'cause I asked.

9 Q. He was good enough of a friend to take you to the
10 hospital?

11 A. Yes, he was.

12 Q. And how long have you known Tony now?

13 A. A few years.

14 Q. How many years is that?

15 A. About three.

16 Q. About three years.

17 And you and Tony spent a lot of time together
18 with each other before June 22d of last year?

19 A. We have not.

20 Q. How much time did you spend with each other prior
21 to that?

22 A. I only seen him once in awhile when I went to my
23 girlfriend's mother's house.

24 Q. Tony live here in the City of Dayton?

25 A. Yes, he does.

1 Q. Doesn't live all that far from you, does he?

2 A. At the present time he did.

3 Q. At the present time he did.

4 Well, let's see. Did Tony ever visit you at your
5 home?

6 A. Yes, he did.

7 Q. And was that once or more than once?

8 A. Once.

9 Q. Only once in his life has he been in your home?

10 MR. SLAVENS: Objection, your Honor.

11 A. Yes.

12 THE COURT: Overruled.

13 BY MR. ARNTZ:

14 Q. And, and you and Tony used to go out together and
15 do things?

16 A. Sometimes.

17 Q. What sort of things would you guys do together?

18 A. Go out cruising around, drink, try to pick up
19 girls.

20 Q. Cruise around, drink, and try to pick up girls,
21 is that right?

22 A. Yes, it is.

23 Q. Well, who, who was trying to pick up the girls
24 was you or you or Tony or both of you?

25 A. Both of us.

1 Q. Is Tony a male prostitute?

2 A. I don't know.

3 Q. You don't know him well enough to say one way or
4 the other?

5 A. No, I don't.

6 Q. Do you know what a male prostitute is?

7 A. Yes, I do.

8 Q. Is Tony bisexual?

9 A. I don't know.

10 Q. Do you know what that means?

11 A. Yes, I do.

12 Q. I think you told the prosecutor that you were
13 familiar with that area of Monument and Findlay before
14 June 22d of last year, is that right?

15 A. Yes, I am.

16 Q. That's a place where homosexuals congregate and
17 hang out?

18 A. I guess so.

19 Q. We'll, don't guess. Is that true or not?

20 A. I don't know.

21 Q. Well, why did you guess so if you don't know one
22 way or the other?

23 A. I said I don't know.

24 Q. Had you ever heard that before that homosexuals
25 hang out at that place?

1 A. Yes, I have.

2 Q. Where have you heard that?

3 A. When I used to play softball over there on
4 Kettering Fields.

5 Q. And Tony was familiar with that area of Monument
6 and Findlay before June 22d, wasn't he?

7 A. I do not know.

8 Q. He knew how to drive right over there, didn't he?

9 A. I suppose so. I suppose everybody does.

10 Q. Well, whenever you went to the Monument and
11 Findlay area with Tony, he would be driving, wouldn't
12 he?

13 MR. SLAVENS: Objection, your Honor.

14 THE COURT: Sustain the objection.

15 MR. ARNTZ: All right.

16 BY MR. ARNTZ:

17 Q. You and Tony been in trouble before together?

18 A. No, we haven't.

19 MR. SLAVENS: Objection, your Honor.
20 General nature of the question.

21 THE COURT: I will sustain the
22 objection.

23 BY MR. ARNTZ:

24 Q. Now, you and Tony also have a person in common,
25 don't you?

1 A. A person?

2 Q. Yes.

3 A. Yes, we do.

4 Q. And please tell these people who that person is
5 who you have in common with Tony?

6 A. As referring to relationship?

7 Q. Yes.

8 A. His cousin.

9 Q. Tony's cousin. Tony Elofskey's cousin is
10 somebody close to you, isn't she?

11 A. Yes, she is.

12 Q. What is her name?

13 A. Terri Lynn Elofskey.

14 Q. Terri Lynn Elofskey, Tony's cousin?

15 A. Yes.

16 Q. Is close to you for what reason?

17 A. She's my girlfriend.

18 Q. How long had she been your girlfriend?

19 A. For a while.

20 Q. Can you tell us how long that is?

21 A. No, I cannot.

22 Q. Well, is that a week or a year or three years?

23 A. I've lost track.

24 Q. How is your memory?

25 A. It's all right.

1 Q. Better or less than average you think?

2 A. Depends.

3 MR. SLAVENS: Objection, your Honor.

4 THE COURT: Sustained.

5 BY MR. ARNTZ:

6 Q. Are you telling me as I stand here you don't
7 remember how long you've had this girlfriend?

8 A. No, I don't. We've been going together off and
9 on.

10 Q. And for how long have you been going together off
11 and on?

12 A. I can't remember. Can't recall.

13 Q. You can't say whether that's a month or a year or
14 three years?

15 A. No, I can't.

16 Q. Where did your girlfriend, Tony Elofskey's
17 cousin, live back in June of 1992?

18 A. 1803 East Fifth Street.

19 Q. East Fifth Street.

20 And where did she live, your girlfriend, as
21 compared to where Tony lived?

22 A. Right next door.

23 Q. In the same building?

24 A. Yes, it was.

25 Q. Now, do you ever visit your girlfriend at that

1 building?

2 A. No, I did not.

3 Q. Never been there?

4 A. Yeah, I have been there.

5 Q. You just remembered that?

6 A. Just remembered that.

7 Q. Yeah. How many times have you been to her house
8 right next to Tony's house?

9 A. Well, Tony just recently moved in there.

10 Q. How many times was my question.

11 A. Since Tony lived there, none.

12 Q. None.

13 Now, do you own a car?

14 A. No, I don't.

15 Q. And in June you didn't own a car?

16 A. No, I did not.

17 Q. And I think your brother Lee didn't own a car,
18 did he?

19 A. No, he did not.

20 Q. Well, of you and Lee and Tony, did any of you
21 have a car?

22 A. Tony did.

23 Q. Tony had a car?

24 A. Yes, he did.

25 Q. And was that a Monza automobile?

1 A. Yes, it was.

2 Q. What color was that?

3 A. Primered brown.

4 Q. You think that's a brown car?

5 A. Yeah, primered.

6 Q. Two or, or four door?

7 A. Two door.

8 Q. And like any other two door car, if you want to
9 get in the back seat, you have to go through one of the
10 two doors to do it?

11 A. Yes, you do.

12 Q. Right.

13 If someone is sitting in the front seat, you have
14 to somehow get around those people to get back and sit
15 in the back seat, isn't that true?

16 A. Yes, you do.

17 Q. And before June 22d of last year, you been in
18 Tony's car before?

19 A. Yes, I have.

20 Q. How many times had you been in his car before?

21 A. Maybe twice.

22 Q. Maybe twice.

23 And what was the interior of that car like?

24 A. It was, the car, like a red, reddish color or
25 maroon.

1 Q. What sort of condition did Tony keep the interior
2 of that car in?

3 A. Fair condition.

4 Q. I'm sorry?

5 A. Fair condition.

6 Q. Fair condition.

7 Did he keep that car spotless or dirty or what?

8 A. Kept it pretty well clean.

9 Q. Pretty well clean?

10 A. Yes.

11 Q. And that's based upon the two times you saw it
12 before June 22d?

13 A. That's right.

14 Q. I see.

15 And on June 22d I think you told the prosecutor
16 that you found Tony cleaning his car?

17 A. Yes.

18 Q. And what time of day was that?

19 A. It was late in the evening.

20 Q. That was after dinner time, wasn't it?

21 A. Yes, it was.

22 Q. Closer to what, 11 o'clock?

23 A. Probably 10, 10:30, 11 o'clock.

24 Q. Ten or 10:30 or 11.

25 And he was actually cleaning the insides of the

1 car?

2 A. Yes, he was.

3 Q. How was he cleaning it?

4 A. Well, he was in the back seat taking everything
5 out so he could clean the floorboard.

6 Q. Okay. Tell us what he was taking out of the back
7 seat in order to clean the floorboard?

8 A. His tapes and speakers.

9 Q. How many speakers?

10 A. Two.

11 Q. What size?

12 A. I don't know.

13 Q. Well, I'm showing you kind of an ordinary grocery
14 bag. Speakers about that size?

15 A. Maybe.

16 Q. Maybe?

17 A. Yes.

18 Q. You having trouble remembering what size the
19 speakers were?

20 A. I didn't get out a ruler that night.

21 Q. Well, you remembered quite a few things that
22 happened that night. You don't remember anything about
23 what size the speakers were?

24 A. I just knew they was black, that was maybe about
25 that long (indicating).

1 Q. Wider than this grocery bag?

2 A. Probably not.

3 Q. Probably not but about as tall as a grocery bag?

4 A. Yes.

5 Q. And there was two of those?

6 A. Yes, there was.

7 Q. Where did those two speakers sit in Tony's car?

8 A. Behind the driver seat.

9 Q. They both sat directly behind the driver, driver
10 seat?

11 A. Yes, they did.

12 Q. Did they sit on the floorboard or on the back
13 seat?

14 A. Side by side on the back seat.

15 Q. Were they hooked up to anything?

16 A. To the radio.

17 Q. Where was the radio?

18 A. In the front.

19 Q. So there were wires running from the speakers in
20 the back to the radio in the front?

21 A. Yes, there was.

22 Q. Where do those wires run?

23 A. I do not know.

24 Q. Well, you remember there were wires but you don't
25 remember where they were?

1 A. There has to be wires.

2 Q. Okay. You think there were wires but you never
3 saw any?

4 A. They wouldn't play without them.

5 Q. You actually heard those stereos produce music,
6 have you not?

7 A. Yes, they have.

8 Q. But you agree with me the stereo speakers have to
9 be wired some way in the radio in front, don't they?

10 A. Yes, they do.

11 Q. Now you said something about cassette tapes,
12 didn't you?

13 A. Yes, I did.

14 Q. He used to travel with a lot of cassette tapes in
15 his car, didn't he?

16 A. He did that night.

17 Q. How did he store those cassette tapes?

18 A. On the floorboard of the floorboard of the driver
19 side on the back.

20 Q. Okay. Were they just loose riding around there
21 or in a cabinet?

22 A. They was in a case, a little tape case, maybe
23 that long, that wide, that long.

24 Q. Hold your hand up so all these people can see
25 that.

1 A. About that long and that wide.

2 Q. Okay. Longer than it's wider?

3 A. That long.

4 Q. About that long and that wide. All right.

5 And that case used to be on the floorboard behind
6 the driver side seat of that car?

7 A. Yes, they did.

8 Q. And what else did he used to keep in that car?

9 A. I do not know.

10 Q. Well, now think back to those three times, four
11 times, I guess you were in it, he used to have any trash
12 on the floorboard?

13 A. Two times. I do not know.

14 Q. Let's get it together on this. Before June 22d
15 you were in his car how many times?

16 A. Twice.

17 Q. All right. And then on June 22d, how many times
18 were you in his car?

19 A. Once.

20 Q. Only once?

21 A. Yes, I was.

22 Q. Now have you not described getting into his car
23 and going to Monument and Findlay and then going back
24 home?

25 A. That was the first time. That was on the 21st of

1 June.

2 Q. You were, so you were in the car on the 21st and
3 the 22d?

4 A. Yes, I was.

5 Q. That's two times?

6 A. Yes, it was. And once to the hospital.

7 Q. And once to the hospital. Now that's three
8 times?

9 A. Yes.

10 Q. Any other times?

11 A. No, there wasn't.

12 Q. Okay. Those three times you were in the car,
13 what other material was riding around on the floorboard
14 of his car?

15 A. I didn't take time to look. I do not know.

16 Q. Well, now you've told me a few minutes ago that
17 Tony kept his car in fairly clean condition inside, you
18 remember that?

19 A. Yes, I did.

20 Q. But now you're saying you don't remember what the
21 areas of the car looked like other than the speakers and
22 the stereo?

23 A. Well, the front was pretty clean.

24 Q. The front was pretty clean. What about the back?

25 A. It was pretty clean, except he had his tapes and